



FILED

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ADR/JHE/sgu 4/14/2021

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Approval of Its Proposals and Cost Recovery for Improvements to the Click-Through Authorization Process Pursuant to Ordering Paragraph 29 of Resolution E-4868. (U39E).

Application 18-11-015

And Related Matters.

Application 18-11-016
Application 18-11-017

**E-MAIL RULING REGARDING OFF-CALENDAR EVIDENTIARY
HEARINGS AND DOCUMENT ONLY EVIDENCE PROCESS**

Dated April 14, 2021, at San Francisco, California.

/s/ ANDREA D. MCGARY

Andrea D. McGary
Administrative Law Judge

/s/ JESSICA T. HECHT

Jessica T. Hecht
Administrative Law Judge

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Subject: A18-11-015 et al: Administrative Law Judge's Email Ruling Regarding
Off-Calendar Evidentiary Hearings and Document Only Evidence Process

Case Nos.: A.18-11-015, A.18-11-016, and A.18-11-017 [Consolidated as A.18-11-015]

Commissioner: Martha Guzman Aceves

Admin Law Judge(s): Andrea D. McGary and Jessica T. Hecht

Summary:

This Ruling takes the April 19, 20, 21, 23 and 26, 2021 Evidentiary Hearing dates in consolidated proceeding Application (A.)18-11-015 off calendar, grants Party stipulated request for admission of evidence into the record of the proceeding by a Documents Only process, and provides the Documents Only procedure to be utilized by all Parties entering evidence into the record.

Background:

Pursuant to ALJ Resolution 176-3429 issued on March 13, 2018, current consolidated Applications (A.)18-11-015, A.18-11-016, and A.18-11-017 were each categorized as ratesetting proceedings with need for evidentiary hearing. Pursuant to October 23, 2020 *Assigned Commissioner's First Amended Scoping Memo And Ruling*, Evidentiary Hearing in consolidated (A.)18-11-015, A.18-11-016, and A.18-11-017 is currently set to commence on April 19, 20, 21, 23, and 26, 2021.

A Status Conference was held on April 5, 2021 (10:00 am) to assess readiness for evidentiary hearing. In advance of the April 5, 2021 Status Conference, Applicant Parties Pacific Gas and Electric Company (U 39-E), San Diego Gas & Electric Company (U-902-E), and Southern California Edison Company (U 338-E) (the "Joint IOUs") served and filed a Joint Status Report on April 2, 2021. The April 2, 2021 Joint Status Report indicated the Joint IOUs, the Public Advocates Office of the California Public Utilities Commission (the "Public Advocates Office"), Mission:data Coalition, OhmConnect, Inc., and the Small Business Utility Advocates interest in a waiver of evidentiary hearings on the ground that no issues of material fact remain in dispute.

During the April 5, 2021 Status Conference, the Joint IOUs, the Public Advocates Office, Mission:data Coalition and OhmConnect, Inc. stipulated on the record to waive evidentiary hearings. [Reporters Transcript at 110:18-115:7]. California Efficiency & Demand Management Council, Leapfrog Power, Inc., California Energy Storage Alliance, and Home Energy Analytics made no appearance at the April 5, 2021 Status Conference.

RULING:

After review of the proceeding record to date and considering the Parties' joint request for waiver of evidentiary hearing, we order as follows:

1. Evidentiary Hearing:

- a. The April 19, 20, 21, 23 and 26, 2021 Evidentiary Hearing dates in consolidated Applications (A.)18-11-015, A.18-11-016, and A.18-11-017 are hereby OFF CALENDAR.
- b. Admission of evidence into the record shall proceed by the Document Only process detailed in this Ruling.
- c. Any Party objecting to waiver of Evidentiary Hearing in these consolidate proceedings may do so by email serving and filing a Written Motion For Evidentiary Hearing no later than April 19, 2021. Any such Written Motion for Evidentiary Hearing must comply with Commission Rule 11.1 and include:
 - i. Memorandum of Points and Authorities
 - ii. Declaration
 - iii. Separate Statement of Each Disputed Material Fact for which the moving party asserts that an evidentiary hearing is required.

2. Document Only Evidence Submission:

A) Disclosure of Exhibits (April 20, 2021): Each Party sponsoring exhibits shall meet and confer and served a list of proposed Exhibits, including the name and description of the exhibit and proposed exhibit number, no later than April 20, 2021. The Exhibit List should include links to the exhibit in the Commission's Supporting Documents database. Exhibits will be pre-marked with an agreed short 3-4 letter acronym for the sponsoring party followed by sequential numbering utilizing the following schema:

0000-0099: Pacific Gas & Electric Company
0100-0199: Southern California Edison Company
0200-0299: San Diego Gas & Electric Company
0300-0399: Small Business Utility Advocates
0400-0499: The Public Advocates Office of the California Public Utilities Commission
0500-0599: Mission: data Coalition
0600-0699: OhmConnect, Inc.
0700-0799: California Efficiency and Demand Management Council
0800-0899: Leapfrog Power, Inc.
0900-0999: California Energy Storage Alliance

1000-1099: Home Energy Analytics

****Exemplar:** "Home Energy Analytics" pre-marked exhibit might begin with "HEA-1000" et seq.

B) Stipulated Exhibits (April 23, 2021): The Parties shall prepare a list of stipulated exhibits for entry into the record of this proceeding with out objection. The Parties shall email serve and file a Joint Motion for Entry of Stipulated Exhibits on or before April 23, 2021. The list of Stipulated Material Exhibits must be attached to joint motion.

C) Stipulated Material Facts (April 23, 2021): The Parties shall prepare a list of Stipulated Material Facts for entry into the record of this proceeding without objection. The Parties shall email serve and file a Joint Motion for Entry of Stipulated Material Facts into the Record on or before April 23, 2021. The list of Stipulated Material Facts must be attached to the joint motion.

D) Motions in Limine (April 27, 2021): To the extent that Parties can not reach stipulation on a disclosed exhibit, motion in limine may be filed. All motions in limine must be in writing and email served and filed on or before April 27, 2021. Prior to bringing a motion in limine, the moving Party must meet and confer with all pertinent Parties to attempt to resolve any objections to the subject evidence. Failure to meet and confer prior to bringing the motion in limine may result in denial of the motion.

E) Opposition To Motions In Limine (April 30, 2021): Any opposition to a motion in limine must be in writing and email served and filed on or before April 30, 2021

F) Final Exhibits and Final Exhibit List (May 6, 2021): After entry of ruling on any motion in limine, the Parties shall jointly complete a final Exhibit List and serve and upload Final Exhibits on or before May 6, 2021 as follows:

-Exhibit Preparation: Parties shall ensure that all exhibits are clean, corrected, and final versions. Parties will pre-mark their prepared testimony exhibits so that it includes the exhibit number, proceeding number, name of sponsor/witness, and date(s) served (including revision dates). Partial documents or excerpts from documents must include a title page or first page from the source document. Excerpts from lengthy documents should include a table of contents page covering the excerpted material.

-Exhibit Circulation: Exhibits must be served by email to the service list and uploaded to Supporting Documents using the Electronic Filing System on the Commission's website pursuant to Rule 13.7 (f) of the Commission Rules of Practice & Procedure. No party shall serve hard copies of Exhibits by mail to the Administrative Law Judge. All

Exhibits must comply with the requirements of Rule 13.7. The Parties shall also lodge a PDF and a writable Word version of the final Exhibit List with the Commission by email to Proceeding Analyst Julie Lane (julie.lane@cpuc.ca.gov).

3. **Opening Briefs (May 28, 2021)**: Opening Briefs must be email served and filed on or before May 28, 2021.
4. **Reply Briefs (June 18, 2021)**: Reply Briefs must be email served and filed on or before June 18, 2021.

If necessary, the Commission may modify these instructions as needed to facilitate the efficiency of the proceeding.

IT IS SO ORDERED.

The Commission Docket Office shall formally file this Ruling.

/s/ Administrative Law Judge Andrea D. McGary

/s/ Administrative Law Judge Jessica T. Hecht

Andrea D. McGary

Administrative Law Judge

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